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Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: AMY TEMES, SENIOR PLANNER *AT*
(480) 503-6729, AMY.TEMES@GILBERTAZ.GOV

THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *chl*
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

MEETING DATE: JUNE 6, 2016

SUBJECT: Z18-12, HALE THEATRE: REQUEST TO REZONE APPROX. 1.18 ACRES OF REAL PROPERTY FROM WITHIN THE HALE THEATRE PLANNED AREA DEVELOPMENT (PAD), GENERALLY LOCATED AT THE NORTHEAST CORNER OF ASH STREET AND PAGE AVENUE FROM APPROX. 1.18 ACRES OF HERITAGE VILLAGE CENTER (HVC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY TO HERITAGE VILLAGE CENTER (HVC) ZONING DISTRICT.

STRATEGIC INITIATIVE: Economic Development

To allow for expansion of an existing cultural facility.

RECOMMENDED MOTION

For the reasons set forth in the staff report, move to recommend approval to the Town Council for Z18-12, Hale Theatre as requested, subject to the conditions listed in the staff report.

OWNER/APPLICANT

Company: Hale Theatre
Name: Dave Dietlein
Address: 50 West Page Avenue
Gilbert, Arizona 85223

Company: AV3 Design Studio
Name: Artie Vigil
Address: PO Box 16792
Phoenix, Arizona 85011

Phone: 480-479-1181
Email:

Phone: 602-326-3387
Email: Artie@av3designstudio.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>July 10, 2001</i>	Town Council approved the Heritage District Redevelopment Plan, and GP01-06, an amendment to the General Plan designating the Village Center land use category for this property and the surrounding area.
<i>July 10, 2001</i>	Town Council approved Resolution (GP01-6) amending the land use classification for the Heritage District Redevelopment Plan.
<i>December 18, 2001</i>	Town Council approved a Development Agreement (Res. No. 2304) for the Hale Centre Theatre.
<i>February 6, 2002</i>	Town Council adopted Ordinance No.1392 (Z01-31) rezoning from R-3 zoning to PAD/E-R (Planned Area Development/Entertainment-Recreation).
<i>March 14, 2002</i>	RDC approved a design review application (DR01-0118) for the Hale Center Theatre.
<i>March 3, 2005</i>	The Town Council adopted a revised Zoning Map and Land Development Code (LDC), reclassifying all properties within the Town of Gilbert. The new classification for the subject site is HVC/PAD.
<i>March 23, 2010</i>	Town Council adopted Ordinance No. 2281 (Z08-28) establishing the Heritage District Residential & Commercial Design Guidelines.
<i>March 21, 2018</i>	The Redevelopment Commission discussed DR17-1205, a redesign and expansion to the theatre as a Study Session item.
<i>May 16, 2018</i>	Redevelopment Commission recommended approval (3-0 vote) to the Planning Commission for Z18-12, Hale Theatre rezoning.

Overview

The request is to rezone 1.18 acres from Heritage Village Center (HVC) Planned Area Development (PAD) to 1.18 Acres of HVC removing the property from the PAD. The project site is located at the northeast corner of Ash Street and Page Avenue in the Heritage District.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	Village Center (VC)	Heritage Village Center (HVC)	Alley, then Gilbert Market Building A
South	Public Facility Institutional (PF/I)	Public Facility Institutional (PF/I)	Page Avenue, then Water Tower Plaza
East	Village Center (VC)	Heritage Village Center (HVC) PAD	Alley, then Postino East/Joyride/Snooze restaurants
West	Village Center (VC)	Heritage Village Center	Ash Street, then public

		(HVC)	parking lot
Site	Village Center (VC)	Heritage Village Center (HVC) PAD	Hale Theatre and parking lot

Rezoning

Over several years, the Town of Gilbert acquired property to assist with implementing the adopted Heritage District Redevelopment Plan. In November of 2000, developers submitted proposals for the site at the northeast corner of Ash Street and Page Avenue. In January 2001, Hale Centre Theatre proposed to build a center stage theatre. The developer entered into a development agreement with the Town of Gilbert. Land use, parking and off-site improvements were determined in the zoning and the Development Agreement. The original zoning was E-R (Entertainment and Recreation), which was later rezoned to HVC. The Hale Centre Theater operates as a performing arts facility and the use is classified as a Cultural Institution. The expansion will include incidental uses such as a dance studio, a rehearsal space, offices, a scene production studio, costume storage and retail space.

The existing Ordinance No. 1392 applied conditions “a” through “g” as shown below (*with staff comments in italics*):

- a) The minimum setbacks for the projects shall be as follows:
 - (1) Building Setback adjacent to a local street is 10 feet. (*LDC is 0 feet*)
 - (2) Building setback adjacent to non-residential zoning district is 5 feet. (*LDC is 0 feet*)
- b) The alley running along the eastern boundary shall be improved and will include a drop-off for buses near the main entry/courtyard. (*Completed*)
- c) Developer will provide a minimum of 24 parking spaces on-site and will be permitted to use off-site public parking to meet the parking requirements of the Project. (*the proposed project is designed for 13 parking spaces on-site with an AUP per the LDC for off-site parking*)
- d) Developer shall pay the cost of any required relocation and undergrounding of utilities, both for development of the property and construction of off-site improvements and streetscape improvement adjacent to the property. These costs also include the construction and maintenance of landscape and screen all. (*Completed*)
- e) Dedication to the Town rights-of-way adjacent to or within the project for utilities and off-site improvements. Dedication shall be completed at the time of Final Plat recordation or the subject project or sooner if required by the Town Engineering department. (*Completed*)
- f) A master plan for water, sewer and drainage for the project shall be reviewed and approved by the Engineering Department prior to issuance of any permits. (*Original completed, revised with new DR application per standard engineering policy*)
- g) Allowable square footage for signage for the project shall comply with the ration of 1.5 s.f. per lineal feet of the longest street frontage. (*Signage per LDC*)

Since the existing PAD requirements are completed, out of date or covered under the LDC, no modifications are proposed to the HVC Development Standards. Therefore, this request is for conventional zoning.

The corresponding Development Agreement per Resolution No. 2304 for the Hale Centre Theatre shall be amended to conform with the zoning amendment and pending Design Review at the time of the Town Council Hearing, tentatively scheduled for June 21, 2018.

Administrative Use Permit, AUP18-0006 for off-site parking has been approved.

A Design Review, DR17-125, is in process and includes a 10,891 sf. building expansion, and modifications to the existing parking lots.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

A neighborhood meeting was held on Thursday April 26, 2018. No residents attended the meeting.

Staff has received no comment from the public.

SCHOOL DISTRICT

This rezoning does not impact the school district and no communication has been received.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

REDEVELOPMENT COMMISSION

The rezoning was presented to the Redevelopment Commission on May 16, 2018. The Redevelopment Commission supported the request for conventional zoning and recommended approval 3-0.

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.

3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town's strategic initiative for Community Livability. It supports the motto "Gilbert: Clean, Safe, Vibrant."

STAFF RECOMMENDATION

For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z18-12 Hale Theatre rezoning approximately 1.18 acres of real property within the Hale Theatre Planned Area Development (PAD) and generally located at the northeast corner of Ash Street and Page Avenue from approximately 1.18 acres of Heritage Village Center (HVC) zoning district with a Planned Area Development overlay to Heritage Village Center zoning district, subject to the following conditions:

- a. Prior to the effective date of this ordinance, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert constructs the improvements as part of its capital improvements program. Failure by Developer to execute a Development Reimbursement and Lien Agreement prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification. If Developer constructs the improvements, Gilbert shall release Developer from its obligations under the Development Reimbursement Agreement.
- b. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- c. Should the Property include any landscaping, open space, private street, utilities or other facilities held in common ownership (collectively "common areas") as described in Article 4.9 of the Land Development Code, Developer shall create a Property Owners' Association (POA) at the time of final plat recordation or earlier if required by the Town Engineer for the maintenance and operation of said common areas, and Developer shall record those public easements for pedestrian, bicycle, multi-use or trail system purposes required by the final plat.

- d. Developer shall record easements to be owned by the POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- e. Unless otherwise agreed to in a Development Agreement, the Developer shall record a perpetual, non-exclusive “sidewalk” easement for the purpose of pedestrian ingress, egress and access over, upon and across located along the east property line over the existing sidewalk.
- f. Unless otherwise agreed to in a Development Agreement, the Developer shall record a perpetual non-exclusive “driveway” easement for the purpose of pedestrian and vehicular ingress, egress and access over, upon and across located along the north property boundary over the existing driveway.

Respectfully submitted,

Amy Temes
Senior Planner

Attachments and Enclosures:

- 1) Notice of Public Hearing
- 2) Aerial Photo
- 3) Zoning Exhibit
- 4) Minutes from the Redevelopment Commission Hearing 5/16/2018

Notice of Public Hearing

Z18-12: Hale Theatre
Attachment 1 - NOPH
June 6, 2018

REDEVELOPMENT COMMISSION DATE:
PLANNING COMMISSION DATE:
TOWN COUNCIL DATE:

Wednesday, May 16, 2018* TIME: 6:30 PM
Wednesday, June 6, 2018* TIME: 6:00 PM
Thursday, June 21, 2018 * TIME: 6:30 PM

LOCATION: Gilbert Municipal Center
Council Chambers
50 E. Civic Center Drive
Gilbert, Arizona 85296

*** Call Planning Department to verify date and time: (480) 503-6745**

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available prior to the meeting at <http://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission> and <http://www.gilbertaz.gov/departments/clerk-s-office/boards-commissions/town-council>

REQUESTED ACTION:

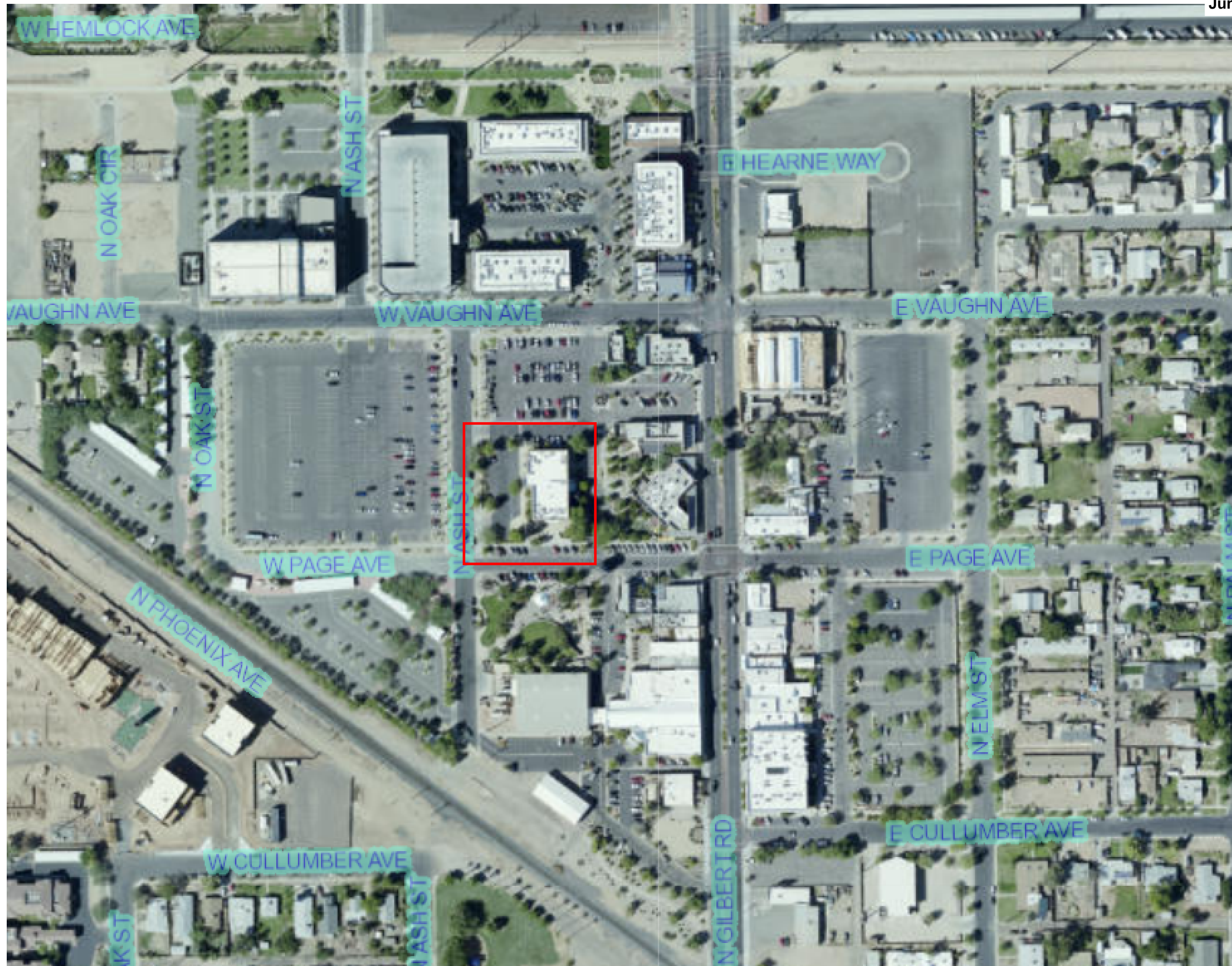
Z18-12, Hale Theatre Expansion: Request to rezone approximately 1.18 acres of real property located at 50 West Page Avenue from Town of Gilbert Heritage Village Center (HVC/PAD) zoning district to Town of Gilbert Heritage Village Center (HVC) zoning district. The effect of the rezoning will be to permit non-residential office/commercial uses.

SITE LOCATION:



APPLICANT: AV3 Design Studio
CONTACT: Artie A. Vigil III
ADDRESS: PO Box 16792
Phoenix, AZ 85011

TELEPHONE: (602) 326-3387
E-MAIL: artie@av3designstudio.com



PROJECT DATA

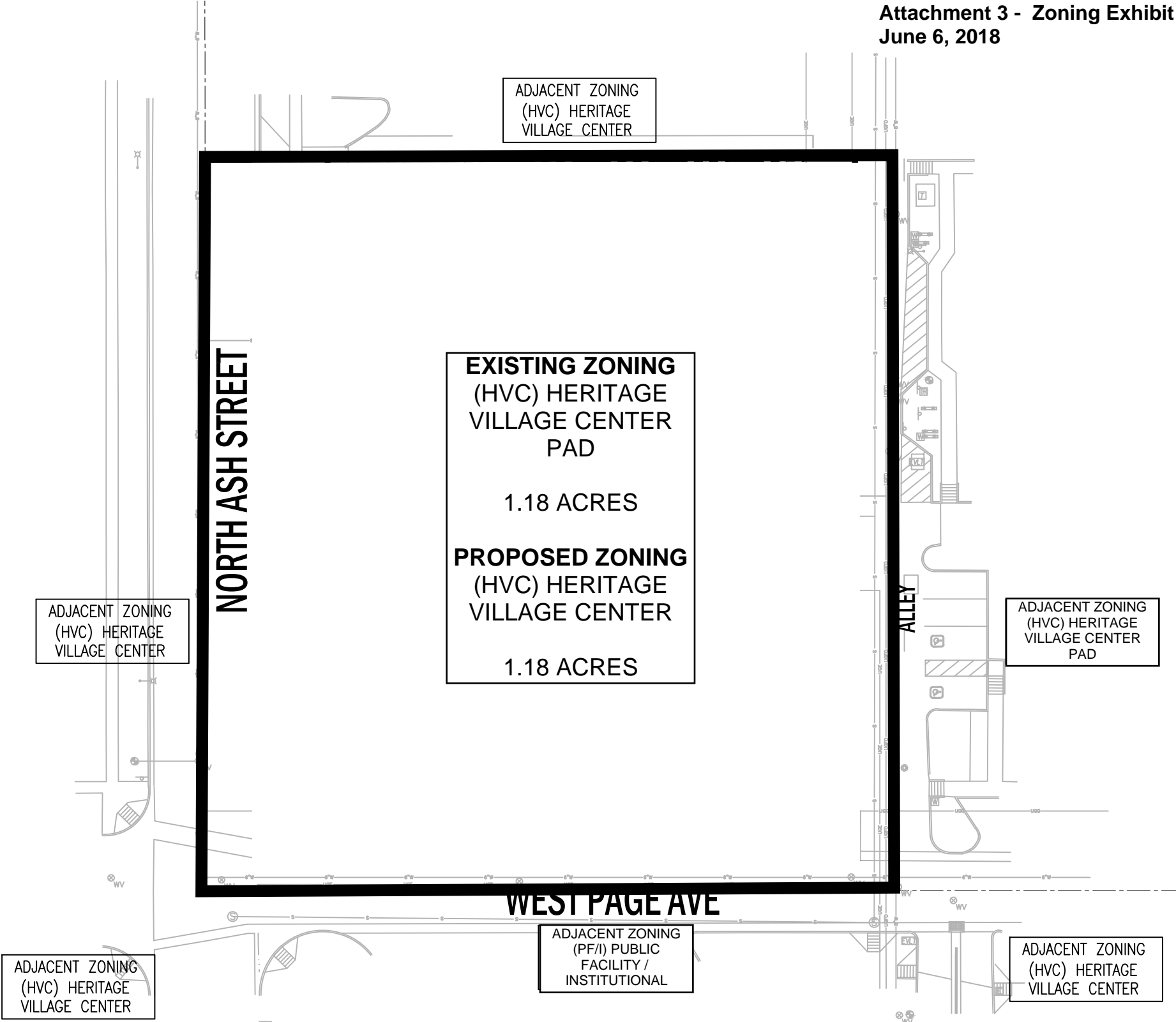
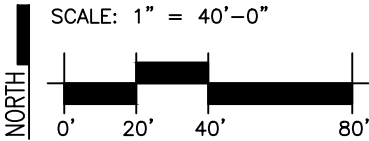
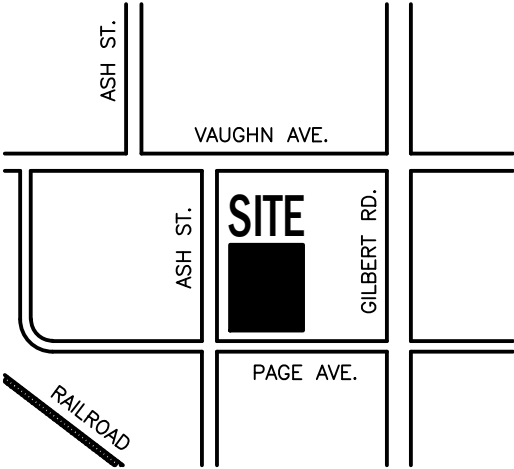
EXISTING ZONING: HVC (HERITAGE VILLAGE CENTER) – PAD
PROPOSED ZONING: HVC (HERITAGE VILLAGE CENTER)
ADDRESS: 50 W. PAGE AVENUE
GILBERT, AZ 85223
APN: 302-16-971
LAND USE: VILLAGE CENTER

PROJECT DIRECTORY

OWNER/DEVELOPER: HALE CENTRE THEATRE
50 W. PAGE AVENUE
GILBERT, AZ 85223
ATTN: DAVE DIETLEIN
480.497.1181
DAVE@HALETHEATREARIZONA.COM
ARCHITECT: AV3 DESIGN STUDIO
PO BOX 16792
PHOENIX, ARIZONA 85011
ATTN: ARTHUR A VIGIL III
602.326.3387
ARTIE@AV3DESIGNSTUDIO.COM

VICINITY MAP

SCALE: N.T.S.



HALE THEATRE

REMODEL & EXPANSION
50 WEST PAGE AVE, GILBERT, ARIZONA
FOR: HALE THEATRE

**GILBERT REDEVELOPMENT COMMISSION
MINUTES OF MAY 16, 2018, 6:30 P.M.
MUNICIPAL CENTER BUILDING, COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE, GILBERT, ARIZONA 85296**

COMMISSIONERS PRESENT: Tyler Hudgins, Chair
Ryan Hamilton, Vice Chair
Tyler Jones, Commissioner

COMMISSIONERS ABSENT: Peter Sciacca, Commissioner
Boe Bigelow, Commissioner

COUNCIL PRESENT: Scott Anderson, Councilmember

STAFF PRESENT: John Baird, Town Attorney
Amanda Elliott, Heritage District Liaison
Amy Temes, Senior Planner

CALL TO ORDER:

The regular meeting of the Redevelopment Commission was called to order by Chair Hudgins at 6:31 P.M.

ROLL CALL

Amanda Elliott called the roll and declared that a quorum was present.

COMMUNICATION FROM CITIZENS

Chair Hudgins opened the floor to the public for any comments or communications on items not on the agenda. The Commission's response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda. There were no communications from citizens.

ADMINISTRATIVE ITEMS

1. Minutes – Consider Approval of Minutes for the Study Session and Regular Meeting of March 21, 2018.

MOTION: Commissioner Jones moved to approve the meeting minutes of March 21, 2018, seconded by Vice Chair Hamilton. The Motion carried unanimously.

2. Minutes – Consider Approval of Minutes for the Special Meeting of April 4, 2018.

MOTION: Commissioner Jones moved to approve the meeting minutes of April 4, 2018, seconded by Vice Chair Hamilton. The Motion carried unanimously.

PUBLIC HEARING

3. Z18-12, Hale Theatre Expansion: Request to rezone approximately 1.18 acres of real property located at 50 West Page Avenue from Town of Gilbert Heritage Village Center (HVC/PAD) zoning district to Town of Gilbert Heritage Village Center (HVC) zoning district.

Chair Hudgins opened the public hearing. There were no public comments.

Amy Temes, Senior Planner, advised that back in March, 2018, the Hale Theatre design review was brought before the Redevelopment Commission for a study session. It was determined that Zoning Ordinance 1392 had conditions that were completed, no longer valid, or contrary to the intent of the redevelopment of Hale

Theatre. A rezoning request was brought forward from the original Planned Area Development (PAD) to conventional zoning for the expansion of the site at Page Avenue and Ash Street. Ordinance 1392 applied conditions “a” through “g” reviewed below with Staff recommendations:

- a) The original setbacks were 10’ and 5 – The Heritage Design Guidelines and Land Development Code for the Heritage District calls for setbacks of 0 feet. Staff would like to go with the Land Development Code and Heritage District Design Guidelines to be consistent.
- b) Alley improvements – The alley along the eastern boundary has been improved and is dedicated.
- c) The developer is to provide 24 parking spaces on-site – The redesign calls for 13 parking spaces on-site, and per the current Land Development Code, an Administrative Use Permit is being processed for off-site parking. That Use Permit has been properly noticed and is scheduled for decision on May 17, 2018.
- d) The developer is to pay the cost of relocating underground utilities – Most of that has been completed, however it is a standard condition in an ordinance and will appear in the final document with minor wording changes.
- e) Dedication of Town rights-of-way – This is standard language.
- f) A master plan for water and sewer – The water and sewer has been planned and completed.
- g) Allowable square footage for signage of 1.5 SF per lineal foot – 1.5 is the standard.

Staff feels that going to conventional zoning is acceptable for this project, and the current Land Development Code and Heritage District Guidelines are actually more liberal than the original Ordinance conditions. As maximizing the site’s potential is so important, staff feels that going with the standard requirements will be beneficial to the Town as well as the applicant.

The Design Review case, DR17-1205, for the 10,891 square foot building expansion will come back to the Redevelopment Commission on June 20, 2018, and is conditioned on approval of the rezoning, which will go before Council on June 21, 2018.

The rezoning request is subject to standard conditions, although conditions e, f, and g are based on a Development Agreement currently underway with the applicant. At this time, there are ongoing discussions on certain items. The Addendum lists these conditions “unless otherwise agreed to in a Development Agreement”. Staff believes this language is enough to show intent and that these items will be well covered with the Development Agreement. Staff is looking for a motion to recommend approval to the Planning Commission for Case Z18-12, subject to conditions listed in the Staff Report and Addendum dated May 16, 2018. This request will go before the Planning Commission on June 6, 2018.

Questions:

Commissioner Jones asked whether any of these changes were not in the Town’s best interest. If the zoning is changed now, and at some point down the road the ownership or use of the Theatre changes, would the Town be at any risk?

Ms. Temes advised that these conditions are straight out of the code regarding setbacks, landscape, and parking, and are consistent with the Heritage Village Center zoning, regardless of the use. She did not believe the change to conventional zoning would in any way be a detriment to the Town. The conditions associated with the Development Agreement will allow the Town some latitude for discussion. By locking the language in, there is enough intent shown that the requirements are there. The discussions that are still ongoing have to do with clarification of the language. The Development Agreement, once locked in, will serve as the guiding document for those items.

Vice Chair Hamilton was concerned that the phrase “unless otherwise agreed to in the Development Agreement” may serve to undo the intent of the conditions.

Ms. Temes explained that the item in the Development Agreement would be the same as the condition listed here. There will still be a sidewalk easement and driveway easement, although the width of the driveway easement is still under discussion. This gives notice that the Town may realign Ash Street. The Heritage Guidelines require a sidewalk along the alley, and the easement will make sure that it is a public sidewalk, as opposed to private. It is the intent of Hale Theatre to be a quasi-public location for cultural events. It is standard language to go over a sidewalk that is adjacent to a street or alley. This will serve to lock that in and define that dimension.

With no further questions or comments from the Commission, Chair Hudgins entertained a motion.

MOTION: Vice Chair Hamilton moved to recommended approval to the Planning Commission for Case Z18-12 Hale Theatre, as requested, subject to the conditions listed in the Staff Report and Addendum dated May 16, 2018. Commissioner Jones provided a second. Motion passed unanimously.

COMMUNICATIONS

- 4 . **Report from CHAIR on current or future events.** There was no report.
- 5 . **Report from COUNCIL LIAISON on current or future events.** There was no report.
- 6 . **Report from COMMISSIONERS on current or future events.** There were no reports.
- 7 . **Report from STAFF LIAISON on current or future events.** Amanda Elliott, Heritage District Liaison, reported on upcoming meetings:
 - Tuesday, May 22, 2018, 9:00 a.m. - A meeting will be held to review the Redevelopment Plan with technical staff within the Town. This has been posted as a public item with a quorum from the Redevelopment Commission.
 - Tuesday, June 5, 2018, 6:30 p.m. - A public meeting is scheduled to review the Redevelopment Plan and the prioritization with the public.

ADJOURN

With no further business before the Commission, Chair Hudgins adjourned the meeting at 6:44 P.M.

Tyler Hudgins, Chair